



~~June 17, 2003 CPC~~
November 18, 2003 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0200

Rock View Homes, Inc.

Matoaca Magisterial District
Grange Hall Elementary School, Swift Creek Middle School and
Clover Hill High School Attendance Zones
West line of Otterdale Road

REQUEST: Rezoning from Agricultural (A) and Residential (R-7) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A single family residential subdivision with supporting commercial uses is planned. The applicant has agreed to limit the development to a maximum of 314 dwelling units, yielding a density of approximately 2.0 dwelling units per acre, plus a maximum of 15,000 gross square feet of C-1 uses.

(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR NOVEMBER 18, 2003, MEETING, A \$250.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE PUBLIC HEARING.)

RECOMMENDATION

Recommend approval subject to the applicant addressing potential compatibility issues with lots in Otterdale Park. This recommendation is made for the following reasons:

- A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less. Further, the non-residential uses comply with the Plan which suggests that such uses are appropriate within a coordinated development.

- B. The application fails to address potential compatibility issues with lots in Otterdale Park.
- C. The proposed zoning and land uses are representative of anticipated area development.
- D. The proffered conditions address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

- (NOTES:
- A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
 - B. IT SHOULD BE NOTED THAT THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Limitation on Number of Dwellings. The overall number of dwellings for the entire Property shall not exceed three hundred fourteen (314) units. (P)
2. Transportation.
 - a) Dedication. In conjunction with the recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, the following rights-

of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- (i) Forty-five (45) feet of right-of-way on the west side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the Property; and
 - (ii) A ninety (90) foot wide right-of-way for an east/west arterial (the "East/West Arterial") from Otterdale Road to the western property line. The exact location of this right-of-way shall be approved by the Transportation Department.
- b) Access. Direct access from the Property to Otterdale Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department, and this access from the Property shall be the East/West Arterial.

In conjunction with the recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, an access plan for the East/west Arterial shall be submitted to and approved by the Transportation Department. Access from the Property to the East/West Arterial shall conform to the approved access plan.

- c) Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following:
- (i) Construction of two (2) lanes of the East/West Arterial, based on VDOT Urban Minor Arterial Standards (50 MPH) with modifications approved by the Transportation Department, from Otterdale Road to the western property line.
 - (ii) Construction of the East/West Arterial intersection with Otterdale Road as a three-lane typical section (i.e., one (1) westbound lane and two (2) eastbound lanes).
 - (iii) Construction of additional pavement along Otterdale Road at the East/West Arterial intersection and along the East/West Arterial at approved access points to provide left and right turn lanes, if warranted based on Transportation Department standards.
 - (iv) Widening/improving the west side of Otterdale Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.

- (v) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right-of-way necessary for the turn lanes along Otterdale Road as identified in Proffered Condition 2(c)(iii), the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvements that can be accommodated within available right-of-way as determined by the Transportation Department.
- d) Phasing Plan. Prior to any road and drainage plan approval or prior to any site plan approval, whichever occurs first, a phasing plan for the required improvements specified in Proffered Condition 2(c) shall be submitted to, and approved by, the Transportation Department. (T)
- 3. Public Utilities. The public water and wastewater systems shall be used. (U)
- 4. Timbering. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed in accordance with The Forestry Best Management Practices for Water Quality in Virginia. (EE)
- 5. Cash Proffer. Prior to the time of issuance of a building permit for each new dwelling unit, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the Property:
 - a) For all residential units except those designated as age-restricted units in accordance with paragraph (b):
 - i) if payment is made prior to July 1, 2003, \$9000; or
 - ii) if payment is made after June 30, 2003, the amount approved by the Board of Supervisors, but not to exceed the \$9000 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made; or
 - b) For all residential units designated for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as

amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the rezoning, and which are subject to the occupancy requirement that no person under 19 shall reside in such unit:

- i) if payment is made prior to July 1, 2003, \$4815, to be allocated among the facility costs as follows: \$598 for parks, \$324 for library facilities, \$346 for fire stations, and \$3547 for roads; or
- ii) if payment is made after June 30, 2003, the amount approved by the Board of Supervisors, but not to exceed the \$4815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made, to be allocated pro-rata among the facility costs as specified in (b)(i).

If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

- 6. Senior Housing. At the time of recordation of the subdivision, any dwellings designated for senior housing shall be noted on the record plat. Lots containing such dwellings shall be grouped together as part of the same development section(s). (P)
- 7. Textual Statement. In conjunction with the approval of this request, the textual statement dated November 5, 2003 shall be approved. (P)

GENERAL INFORMATION

Location:

West line of Otterdale Road, south of Broadmoore Road. Tax IDs 707-682-4055, 708-681-7138, 708-683-1628 and 6612 (Sheets 8, 9, 14 and 15).

Existing Zoning:

A and R-7

Size:

157.6 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-12 with Conditional Use Planned Development; Vacant (tentatively approved as Summer Lake Subdivision)
South - A; Single family residential or vacant
East - A and R-7; Single family residential or vacant
West - R-9 with Conditional Use Planned Development; Vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along a portion of Otterdale Road that terminates approximately 250 feet north of the request site. In addition, there is an eight (8) inch water line that extends along Broadmoore Road and terminates adjacent to the eastern boundary of this site. Use of the public water system is intended and has been proffered by the applicant (Proffered Condition 3). At time of development, extension of the existing sixteen (16) inch water line along Otterdale Road to the southern most limits of this site will be required.

Public Wastewater System:

The request site lies on the boundary between two (2) drainage basins. The northern half of this site drains to Otterdale Branch, which is served by a twenty-four (24) inch wastewater trunk line that terminates approximately 4,600 feet northeast of this site. Wastewater service to the northern portion of this site will be through the adjacent Summer Lake development. The southern half of this site drains to Deep Creek, which is served by a thirty-six (36) inch wastewater trunk line that terminates adjacent to Foxfire Subdivision, Section 1, approximately 6,500 feet east of this site. Plans prepared by Timmons Engineers, have been submitted to the Utilities Department for review that propose to extend the thirty-six (36) inch wastewater trunk line along Deep Creek and Blackman Creek, to serve the Magnolia Green development. The applicant is advised to coordinate the off-site wastewater extension to serve this site with the construction of the thirty-six (36) inch wastewater trunk line.

The Upper Swift Creek Plan recommends use of the public wastewater system. Use of the public wastewater system is intended. (Proffered Condition 3)

ENVIRONMENTAL

Drainage and Erosion:

The property drains south through tributaries to Swift Creek and eventually to Swift Creek Reservoir. The property is heavily wooded and, as such, should not be timbered until the issuance of a land disturbance permit. This will ensure that adequate erosion control measures are in place prior to any land disturbance activity. (Proffered Condition 4)

Water Quality:

Participation in the Upper Swift Creek Regional Stormwater Master Plan is required with payment of a pro-rata construction fee and a fee per residential unit for BMP maintenance.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and further detailed by specific departments herein. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services (EMS) calls are expected to increase forty-five (45) percent by the year 2015. Eight (8) new fire/rescue stations are recommended for construction by the year 2015 in the Plan. Based on 314 dwelling units, this request will generate approximately eighty (80) calls for fire and EMS services each year. The applicant has addressed the impact on fire service. (Proffered Condition 5)

The Waterford Fire/Rescue Station, Company Number 16, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 166 students will be generated by this development. This site lies in the Grange Hall Elementary School attendance zone: capacity - 739, enrollment - 567; Swift Creek Middle School zone: capacity - 1,200, enrollment - 1,456; and Clover Hill High School zone: capacity - 1,600, enrollment - 1,969.

This request will have an impact on the middle and high school involved. There are currently eight (8) trailers at Swift Creek Middle and fifteen (15) trailers at Clover Hill High. The applicant has fully addressed the impact on school facilities. (Proffered Condition 5)

Libraries:

Consistent with Board of Supervisors' Policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

The development would most likely impact the Clover Hill Library or a proposed new facility in the Genito/Powwhite area. The applicant has addressed the impact of this proposed development on library facilities. (Proffered Condition 5)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the county. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreation facilities. (Proffered Condition 5)

Transportation:

The property (157.6 acres) is currently zoned Agricultural (A) on 154.5 acres and Residential (R-7) on 3.1 acres. The applicant is requesting rezoning to Residential (R-12) with Conditional Use Planned Development to permit Convenience Business (C-1) uses. The applicant has proffered that residential development will not exceed 314 dwelling units (Proffered Condition 1). This request will not limit development of the C-1 to a specific land use; therefore, it is difficult to anticipate traffic generation. The Textual Statement limits development of C-1 uses to 15,000 square feet (Textual Statement Condition 1.). Based on single family and shopping center trip rates, development could generate approximately 4,980 average daily trips. These vehicles will be distributed along Otterdale Road, which had a 2003 traffic count of 1,059 vehicles per day.

The Thoroughfare Plan identifies Otterdale Road as a major arterial with recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Otterdale Road, in accordance with that Plan. (Proffered Condition 2.a.i.)

The Thoroughfare Plan also identifies an east/west arterial (the "East/West Arterial"), with a recommended right of way width of ninety (90) feet, extending from Otterdale Road westward through the property to Moseley Road. The applicant has proffered to dedicate a

ninety (90) foot wide right of way through the property, in accordance with that Plan. (Proffered Condition 2.a.ii.)

The Subdivision Ordinance requires that subdivision streets must conform to the Planning Commission's Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. A tentative subdivision plan (Summer Lake Subdivision) has been approved on the adjacent property to the north, which provides a stub road right of way (Easter Road) to the subject property. In addition, a stub road right of way (Broadmoore Road) was provided to the subject property with recordation of Otterdale Park Subdivision. Traffic generated from development of the subject property could be distributed through the Summer Lake and Otterdale Park Subdivisions. In accordance with the Stub Road Policy, specific recommendations regarding the impact of this traffic on those adjacent subdivision streets will be provided at time of tentative subdivision review.

Development of the C-1 property must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Otterdale Road, should be controlled. The applicant has proffered that direct access to Otterdale Road will be limited to the East/West Arterial (Proffered Condition 2.b.). Proffered Condition 2.b. also requires the developer to submit and receive approval of an access plan for the East/West Arterial.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct two (2) lanes of the East/West Arterial from Otterdale Road to the western property line; 2) construct the East/West Arterial intersection with Otterdale Road as a three (3) lane typical section (i.e., one (1) westbound lane and two (2) eastbound lanes); 3) construct left and right turn lanes along Otterdale Road at the East/West Arterial intersection and along the East/West Road at each approved access, based on Transportation Department standards; and 4) widen the west side of Otterdale Road to a total travel way width of eleven (11) feet measured from the centerline with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder for the entire property frontage. (Proffered Condition 2.c.)

The developer may need to acquire "off-site" right of way in order to provide the turn lanes along Otterdale Road at the East/West Arterial intersection. According to Proffered Condition 2.c.v., if the developer is unable to acquire the right of way for this improvement, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way, and will only be obligated to construct road improvements within available right of way. (Proffered Condition 2.c.v.)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Otterdale Road will be directly impacted by development of this property. Sections of this road have nineteen (19) to twenty (20) foot wide pavement

with no shoulders, with substandard vertical and horizontal alignments. The capacity of this road is acceptable (Level of Service B) for the volume of traffic it currently carries (1,059 vehicles per day). The standard typical section for Otterdale Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 5). As development continues in this area, traffic volumes on Otterdale Road will substantially increase. Providing improvements to Otterdale Road and other substandard roads in this area will require public funds, in addition to cash proffers. No road improvement projects in this area of the County are currently included in the Six-Year Improvement Plan.

At time of tentative subdivision review or site plan approval, specific recommendations will be provided regarding access, stub road rights of way to adjacent properties and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	308*	1.00
Population Increase	837.76	2.72
Number of New Students		
Elementary	73.92	0.24
Middle	40.04	0.13
High	52.36	0.17
TOTAL	166.32	0.54
Net Cost for Schools	1,492,876	4,847
Net Cost for Parks	213,444	693
Net Cost for Libraries	115,500	375
Net Cost for Fire Stations	123,508	401
Average Net Cost for Roads	1,265,572	4,109
TOTAL NET COST	3,210,900	10,425

*Reflects the number of units in excess of 6, per staff's calculations, that are subject to impact. (Proffered Condition 1)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has

been further advised that a maximum proffer of \$4,815 per unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the proposed development, as it will not have an increased impact on schools facilities. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 5)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less. The Plan also suggests that convenience commercial nodes may also be appropriate within such a coordinated development subject to adequate access and a design that incorporates an internal focus with open spaces and pedestrian connections.

Area Development Trends:

Properties to the north are vacant, but are zoned for single family development and are under subdivision plan review as part of the Summer Lake Subdivision development. Properties to the east have been developed as part of the Otterdale Park Subdivision or are zoned Agricultural (A) and occupied by single family dwellings or are currently vacant. Properties to the west are zoned Residential (R-9) and are part of the overall Magnolia Green project. The remaining properties to the south are zoned Agricultural (A) and are occupied by single family residences or are vacant. Residential development at densities consistent with the Plan is expected to continue in this area.

Site Design:

The applicant has proffered a maximum of 314 dwelling units (Proffered Condition 1). Access is proposed to Otterdale Road. Based upon the number of proposed lots, it is anticipated that a minimum of two (2) access points will be provided. At the time of tentative subdivision submission, restrictions on lots fronting Otterdale Road, provision of buffers along Otterdale Road and internal site design will be reviewed.

Any lots designated for senior housing will be designated on the record plats to assist in tracking their associated impacts on capital facilities. (Proffered Condition 6)

Commercial Node:

The applicant has submitted a Master Plan that conceptually depicts a five (5) acre parcel reserved for Convenience Business (C-1) uses. This commercial node is intended to provide

limited commercial and office services to residents within the planned community. This tract will be located within one (1) quadrant of the intersection of the proposed East/West Arterial and a residential collector street within the development, as generally depicted on the Master Plan. To minimize the impact of these uses upon the proposed surrounding residential development, no residential lots would front on this residential collector street adjacent to or within the vicinity of these C-1 uses. Proffered conditions permit the location of the C-1 uses to be modified at the time of the initial tentative subdivision plan submittal, provided the location is maintained at the intersection of the East/West Arterial and a residential collector street and insures land use transition and compatibility with surrounding residential uses. In no case would such uses be permitted along Otterdale Road. Development of these commercial uses would be limited to a maximum of 15,000 gross square feet and would comply with the requirements of the Zoning Ordinance for the Convenience Business (C-1) District plus Emerging Growth District Standards. These requirements address access, landscaping, architectural treatment, setbacks, parking, signs, buffers and utilities and ensure compatibility with the surrounding residential areas. (Proffered Condition 7 and Textual Statement)

Access to Broadmoore Road:

The Residential Subdivision Connectivity Policy for subdivision roads is scheduled for consideration by the Board of Supervisors at their November 12, 2003, meeting. If approved, connection between the subject development and Broadmoore Road will be evaluated through the tentative subdivision review process based upon this adopted policy. At this time without a tentative subdivision plan, it is not possible to determine whether Broadmoore Road should be extended. Potential exists for Broadmoore Road to be partially extended to serve a limited number of lots. It is important to note that should through connection not be required to Broadmoore Road, this application has failed to address compatibility between proposed lots within the subject development that may have sole access to Broadmoore Road and those lots located within Otterdale Park which are also served by this road. Compatibility is addressed through overall average lots sizes and densities consistent with those lots within Otterdale Park. Currently the average lot size in Otterdale Park is approximately 2.5 acres and the average density is approximately .4 dwelling units per acre.

CONCLUSIONS

The proposed zoning and land use conforms to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less, and is representative of anticipated area development. Further, the non-residential uses comply with the Plan which suggests that such uses are appropriate within a coordinated development.

The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Capital Improvement Program and the impact of this development is discussed herein. The

proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of the County citizens.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (6/17/03):

At the request of the applicant, the Commission deferred this case to the Commission's November 18, 2003, public hearing.

Staff (6/18/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than September 2, 2003, for consideration at the Commission's November public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (11/6/03):

Revised proffered conditions and textual statement were submitted.

Staff (11/10/03):

To date, the \$250.00 deferral fee has not been paid.

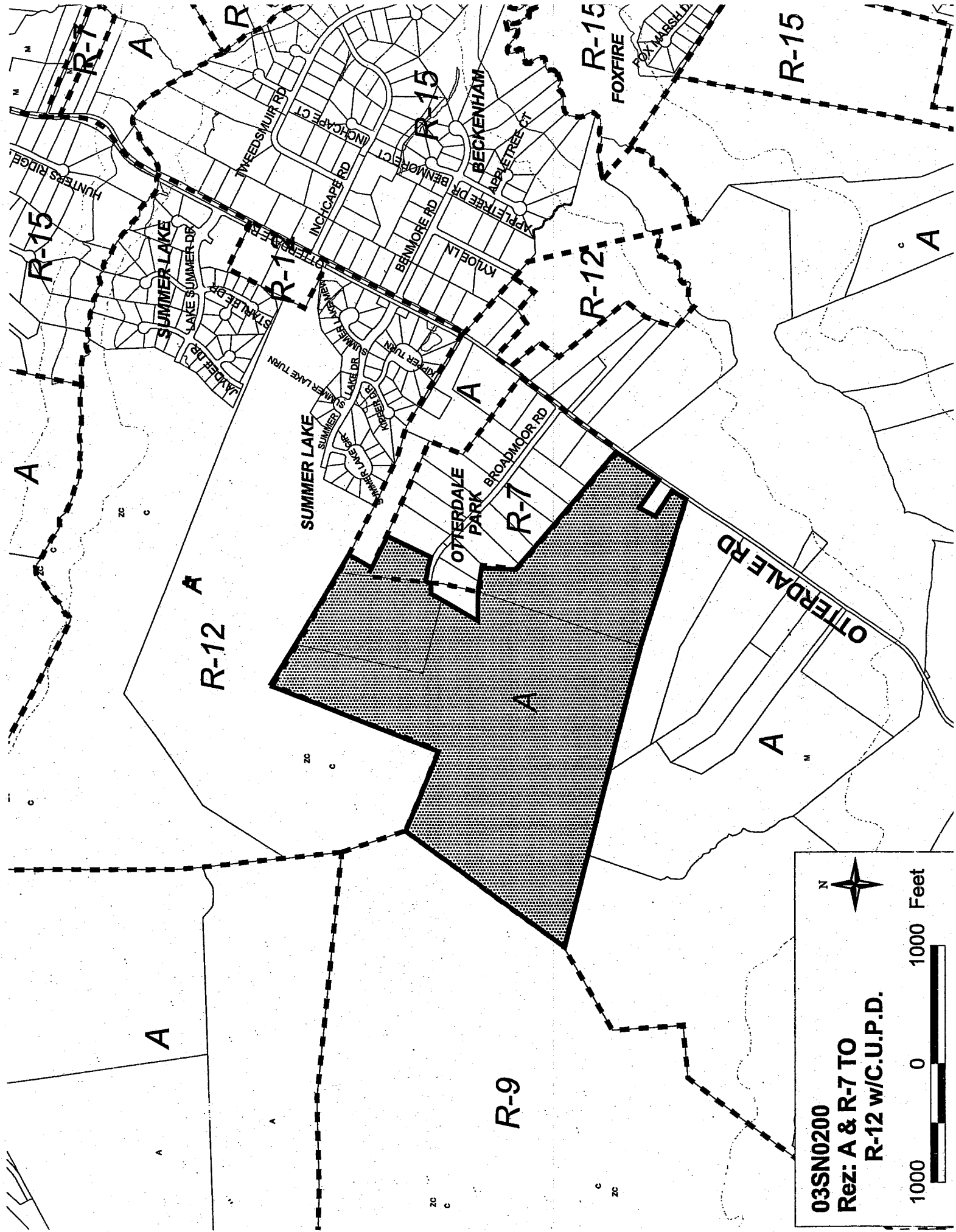
Textual Statement
Case 03SN0200

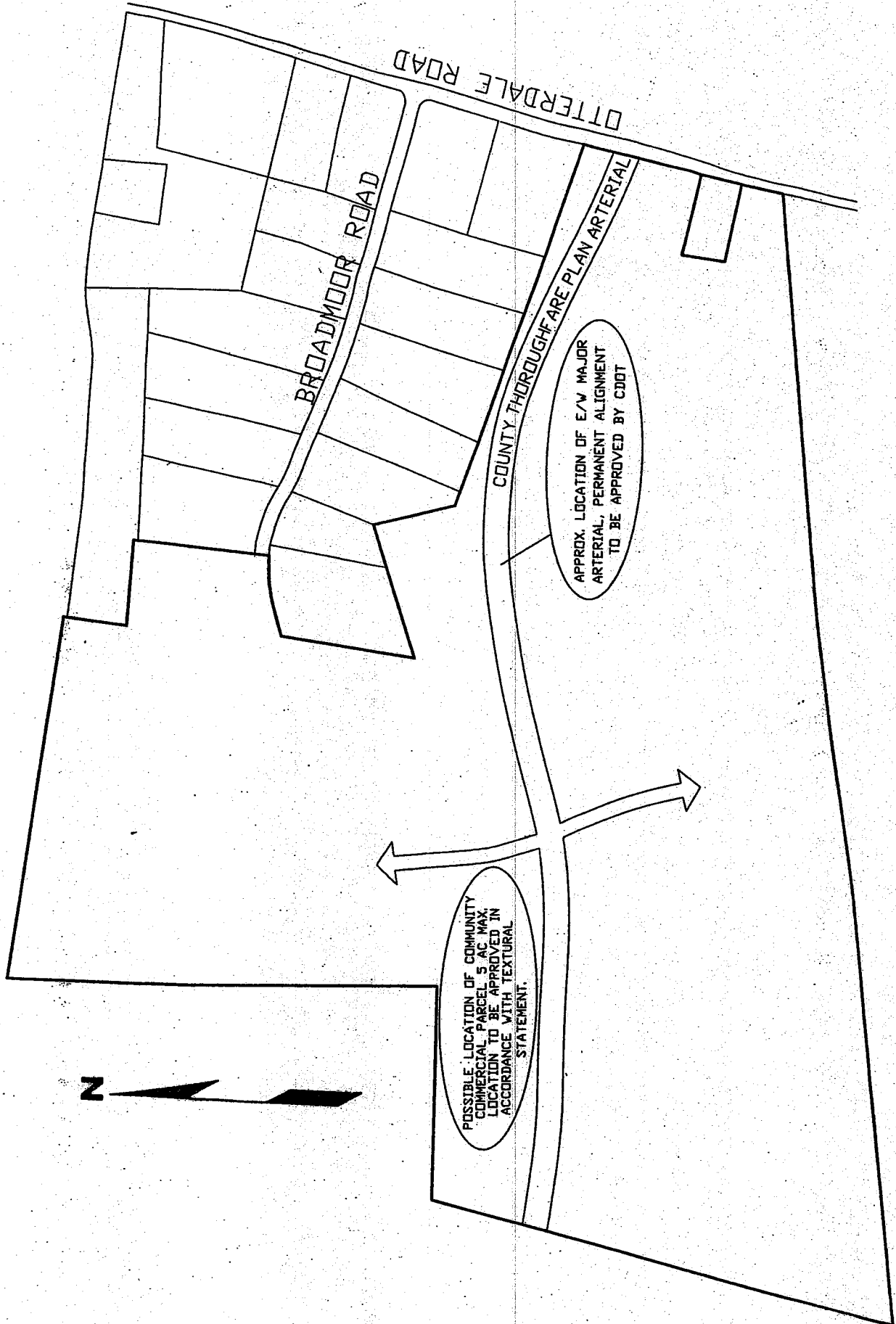
1. The plan entitled "Morrisette Tract", prepared by Joseph, Cox & Associates and dated November 5, 2003, shall be considered the Master Plan. The location of the East/West Arterial and of access points to the Property are conceptual only and shall be approved by the Transportation Department.
2. In addition to those uses permit by right or with restrictions in the Residential (R-12) District, Convenience Business (C-1) uses shall be permitted, subject to the following restrictions:
 - a. Such development shall contain a maximum of five (5) acres with a density not to a maximum of 15,000 gross square feet of building area
 - b. Such uses shall be located at one quadrant of the intersection of the East/West Arterial and a residential collector street which extends through the property, as generally depicted on the Master Plan. No residential lots shall front on this residential collector street adjacent to or in the vicinity of the C-1 uses.
 - c. The location of such uses may be modified from that shown on the Master Plan provided that:
 - i. Such uses are located at one quadrant of the intersection of the East/West Arterial and a residential collector street which extends through the property and is internal to the development;
 - ii. No residential lots shall front on this residential collector street adjacent to or in the vicinity of the C-1 uses;
 - iii. Such location insures land use transition and compatibility with surrounding residential uses and such uses are located so as to minimize their impacts upon adjacent properties. A plan depicting this modification shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with the provision of the Zoning Ordinance for Site Plan appeals; and
 - iv. In no event shall such uses be located along Otterdale Road.

- d. Such development shall conform to the requirements of the Zoning Ordinance for Convenience Business (C-1) Districts in Emerging Growth District areas.
- e. The location of such C-1 uses shall be identified on the initial tentative subdivision plan.
- f. Any record plat for lots adjacent to the proposed C-1 uses shall note the potential for commercial development adjacent to such lots.

Date: November 5, 2003

#529757 v1 026824.00001





APPROX. LOCATION OF E/W MAJOR
ARTERIAL, PERMANENT ALIGNMENT
TO BE APPROVED BY CDOT

POSSIBLE LOCATION OF COMMUNITY
COMMERCIAL PARCEL 5 AC MAX.
LOCATION TO BE APPROVED IN
ACCORDANCE WITH TEXTURAL
STATEMENT.

THOROUGHFARE PLAN

